

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE KINGATE MANAGEMENT LIMITED
LITIGATION

This Document Relates To: All Actions

Master File 09 Civ. 5386 (DAB)

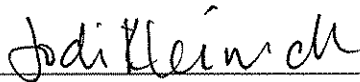
NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that, upon the Declaration of Jodi A. Kleinick dated July 19, 2010 and the exhibits thereto, the affidavit of David Chivers sworn to on July 19, 2010 and the exhibits thereto, and the Memorandum of Law dated July 19, 2010 submitted herewith, Defendants FIM Advisors LLP, FIM Limited, FIM (USA) Inc., Carlo Grosso, and Federico Ceretti, by their attorneys, Paul Hastings Janofsky & Walker LLP, will move this Court, before the Honorable Deborah A. Batts, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, for an Order: (a) dismissing the Amended Consolidated Class Action Complaint dated May 18, 2010 in its entirety pursuant to Rules 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure; and (b) for such other and further relief as the Court may

deem just and proper.

Respectfully submitted,

Dated: July 19, 2010



Barry G. Sher

Jodi A. Kleinick

Robin A. Arzón

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